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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,161	11/04/1999	TAKEO OHISHI	041-1903A	3559
22902	7590	08/12/2005	EXAMINER	
CLARK & BRODY 1090 VERMONT AVENUE, NW SUITE 250 WASHINGTON, DC 20005			BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/434,161

Applicant(s)

OHISHI ET AL.

Examiner

Vincent F. Boccio

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE and Amendment of 4/20/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 38-44 is/are pending in the application.
- 4a) Of the above claim(s) 40, 41, 43 and 44 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38, 39 and 42 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/748,643.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2616

**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

***Response to Arguments***

In view of applicants statements made on 4/20/05, the examiner will examine the claims directed toward Fig. 19.

After a careful consideration, since applicant has elected Fig. 19, the examiner states that:

(A) Claim 40 and 43 are directed to Fig. 21, pages 57, line 22, page 58, lines 12-,

"The locks flags ... to the time stamp adding circuit wherein they are added", as recited in claim 40, as shown in Fig. 21 {elements generator 15 to adder 16}, page 4 of the last amendment.

{B} Claim 41 and 44, are directed to Fig. 22, page 58, line 26-, page 27, recites, "deactivating the recording operation", as also recited in claim 41, therefore, deemed to be the embodiment of Fig. 22, see page 5 of the last amendment.

While claims 38, 39 and 42, since recite the switching means, the elected embodiment reads on Fig. 19, "30 b", as elected.

The examiner requests applicant to review these claims deemed to be claims directly toward

- Fig. 21, claims 40 and 43; and
- Fig. 22, claims 41 and 44 and requests an amendment to either cancel the non-elected claims; or
- provide reasons why the claims read on Fig. 19.

In view of the examiner's position as defined above, claims 40-41, 43-44 are deemed non-elected for not reading on Fig. 19 and are requested to be canceled.

Art Unit: 2616

**REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance:
2. Claims 38-39 and 42 are allowed.

Regarding claims 38 and dependent claims 39, 42, the prior art discloses and reads on all as claimed except, the prior art, fails to teach disclose or fairly suggest the combinations as claimed in claims 38 as will be addressed below.

The prior art fails to teach disclose or suggest claim 38, having the recited claim language of:

- a switching means for switching between a first and second operation

the first operation being provided in response to the first signal, the second operation being provided in response to the second signal wherein,

o a synchronization determining means determines whether the arrival time control clocks are synchronous and generates the first signal, and

o wherein the synchronization determining mean determines whether the arrival time control clocks are asynchronous and generates the second signal;

- upon receiving the first signal, allows the operation of the arrival time clock generating means; and
- upon receiving the second signal inhibits the operation of the arrival time clock generating means, with respect to the switch, as shown in Fig. 19, switch 30 b.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2616

Contact Fax Information

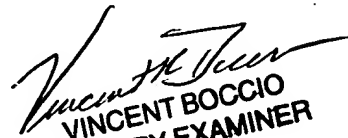
Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,  
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier  
communications should be directed to the examiner of  
record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00  
PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
8/8/05

  
VINCENT BOCCIO  
PRIMARY EXAMINER